IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

JEROME LEONARD	§	
VS.	§	CIVIL ACTION NO. 1:10-CV-288
JODY R. UPTON	§	

MEMORANDUM OPINION AND ORDER

Petitioner Jerome Leonard, a federal prisoner confined in Beaumont, Texas, proceeding *pro se*, brings this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The above-styled action was referred to the undersigned magistrate judge pursuant to 28 U.S.C. § 636 and the Local Rules for the Assignment of Duties to the United States Magistrate Judge for findings of fact, conclusions of law, and recommendations for the disposition of the case.

Discussion

Petitioner is currently serving a ninety-month term of imprisonment imposed by the United States District Court for the Eastern District of Louisiana. He contends that the State of Louisiana has lodged a detainer against him for a parole violation. Petitioner wants the State of Louisiana to remove the detainer.
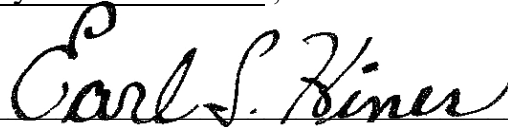
A prisoner in custody under one sentence may attack a detainer lodged against him by another jurisdiction. *See Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 498 (1973). "In such a case, the State holding the prisoner in immediate confinement acts as agent for the demanding State, and the custodian State is presumably indifferent to the resolution of the prisoner's attack on the detainer." *Id.* at 498-99. Although the federal district court in the district of confinement has

concurrent jurisdiction, the court can transfer the case to the district where the detainer was lodged, which is generally a more convenient forum. *Id*. at 499 n. 15.

The court has considered the circumstances and has determined that the interest of justice would best be served if this petition were transferred to the district where the detainer was lodged. It is accordingly

ORDERED that this petition for writ of habeas corpus is **TRANSFERRED** to the United States District Court for the Eastern District of Louisiana.

SIGNED this ___25___ day of _____May_____ , 2010.

Earl S. Hines
EARL S. HINES
UNITED STATES MAGISTRATE JUDGE